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UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

FEDERAL TRADE COMMISSION, STATE  
OF ARIZONA, STATE OF CALIFORNIA,  
DISTRICT OF COLUMBIA, STATE OF  
ILLINOIS, STATE OF MARYLAND, STATE  
OF NEVADA, STATE OF NEW MEXICO,  
STATE OF OREGON, and STATE OF  
WYOMING,

Plaintiffs,

v.

THE KROGER COMPANY and  
ALBERTSONS COMPANIES, INC.,

Defendants.

Case No.: 3:24-cv-00347-AN

DECLARATION OF SONIA  
PFAFFENROTH IN SUPPORT OF  
DEFENDANTS' OPPOSITION TO  
PLAINTIFFS' MOTION TO STRIKE

I, Sonia Pfaffenroth, declare as follows:

1. I am a partner in the law firm of Arnold & Porter Kaye Scholer LLP, counsel for Defendant, The Kroger Company (“Kroger”) in the above-captioned case. I am over the age of eighteen and competent to testify in this matter. I make this declaration based on my personal knowledge. I make this declaration in support of Defendants’ Opposition to Plaintiffs’ Motion to Strike.

2. Attached to this declaration as Exhibit 1 are excerpts of the Expert Rebuttal Report of Dr. Nicholas Hill, dated July 12, 2024.

3. Attached to this declaration as Exhibit 2 is a true and correct copy of an email from Jason Ewart to Charles Dickinson, et al., dated January 4, 2024 with attachment KR-FTC-2R-000030808 .

4. Attached to this declaration as Exhibit 3 are excerpts of the Expert Report of Dr. Nicholas Hill, dated June 18, 2024.

5. Attached to this declaration as Exhibit 4 are excerpts of the Expert Report of Dr. Mark A. Israel, dated July 1, 2024.

6. Attached to this declaration as Exhibit 5 are excerpts of the deposition of Dr. Mark A. Israel taken July 22, 2024.

7. Attached to this declaration as Exhibit 6 is a true and correct copy of an email link from J. Warren to G. Luib, et al., dated July 13, 2024.

8. Attached to this declaration as Exhibit 7 is the Expert Surrebuttal Report of Dr. Mark A. Israel, dated July 30, 2024.

9. Attached to this declaration as Exhibit 8 is a true and correct copy of an email from Rohan Pai to Jason Ewart, et al., dated August 1, 2024.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED: August 5, 2024

/s/ Sonia K. Pfaffenroth

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